

REMARKS

Claims 1-23 are pending in the present application.

At the outset, Applicants wish to thank Examiner Zucker for the helpful and courteous discussion with their undersigned Representative on April 5, 2006. During this meeting, the amendments presented herein were discussed. In addition, Applicants wish to thank Examiner Zucker for indicating that Claims 1, 2, 4, 6-10, and 15-20 are free from the art of record and that Claims 1, 2, 6-9, and 15-20 are allowed. Applicants submit that, in view of the following remarks, all of the pending claims are allowable.

The rejection of Claims 3, 5, and 12-14 under 35 U.S.C. §102(b) over DeMassa is respectfully traversed.

Claim 3 relates to a melt comprising at least one phenolic compound, and phenothiazine wherein the melt has a melting point of greater than 25°C (i.e., is a solid at room temperature). Applicants submit that the melt of the present invention is distinct from the composition disclosed by DeMassa.

As recognized by the Examiner, DeMassa disclose a liquid composition is formed by mixing a liquid phenol compound with phenothiazine. However, Applicants submit that the present invention does not provide such a liquid composition. Specifically, Applicants note that the disclosure relied upon by the Examiner in DeMassa relates to phenolic compounds that exist in a liquid state at room temperature and, as such, the composition disclosed by DeMassa is itself a liquid composition.

In contrast, the present invention provides a melt. In other words, the phenolic compounds used in the present invention are solid a room temperature. Accordingly, the

phenolic compounds must first be heated to a temperature exceeding their melting temperature and only at this time can the solid phenolic compound be used as a solvent for phenothiazine thus forming a melt (see page 15, line 41 to page 16, line 36).

In the outstanding Office Action, it appears that the Examiner recognizes the foregoing differences between the melt of the present invention and the liquid composition disclosed by DeMassa. However, in maintaining this ground of rejection the Examiner asserts that the feature that distinguishes the present invention from the disclosure of DeMassa (i.e., the melt is solid at room temperature) is not set forth in the claims. In the amendments herein, Applicants have rectified this asserted problem by defining the melt of Claim 3 based on the specification at page 19, lines 13-30 to have a melting point of greater than 25°C. Therefore, it is now clear that at room temperature the melt of the present invention would be a solid. As such, Applicants submit that for the reasons set forth above, the claimed composition is distinct from the compositions disclosed in DeMassa.

Withdrawal of this ground of rejection is requested.

The objection to Claims 4 and 10 is believed to be obviated by the present amendment. Specifically, Applicants note that Claims 4 and 10 have been rejected as depending from a rejected base claim. However, Applicants submit that, in view of the amendment to Claim 3 and the remarks above, this is no longer the case. It is submitted that Claim 3 is now allowable and, therefore, this objection is moot.

In view of the amendments herein, Applicants request withdrawal of this ground of objection.

Finally, Applicants note Claim 11 is designated as being rejected that on page 4, line 1 of the outstanding Office Action. However, there is no such rejection reflected in the remainder of the Office Action. In fact, exactly the opposite is true. In the Office Action mailed on August 5, 2005, the only rejection of Claim 11 was a rejection under 35 U.S.C. §112, second paragraph, which appears in paragraph 4. In paragraph 6 of the outstanding Office Action it is noted that the "rejections under 35 USC §112, second paragraph, set forth in paragraphs 3 and 4 of the previous Office Action mailed 5 August 2005 is withdrawn." Therefore, the indication that Claim 11 has been rejection appearing on page 4, line 1 of the outstanding Office Action is an error. As such, Applicants request acknowledgement that this claim is allowable.

Applicants submit that the present application is now in condition for allowance.  
Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



Vincent K. Shier, Ph.D.  
Registration No. 50,552

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)